

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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LEE NORMAN BROWN,

Petitioner,

v.

Case No. 09-C-1185

GREG GRAMS, Warden,

Respondent.

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**ORDER AND RECOMMENDATION**

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On December 28, 2009, the petitioner, Lee Norman Brown (“Brown”), filed a petition for habeas corpus relief pursuant to 28 U.S.C. § 2254 without paying the filing fee. After Brown’s petition to proceed in forma pauperis was denied on January 20, 2010, he filed a motion for reconsideration denying him the ability to proceed in forma pauperis on February 8, 2010. That motion for reconsideration was denied, as was his third motion to proceed in forma pauperis.<sup>1</sup>

Since Brown filed his petition, the court ordered that he re-file his petition on the forms required under Civil L.R. 9(a)(1) on four separate occasions. On January 7, 2010, the court first ordered that Brown re-file his petition on the required forms and that he do so by February 16, 2010. On February 5, 2010, Brown requested an extension of time to re-file his petition, which was granted on February 22, 2010. At that time, the court ordered that Brown re-file his petition on or before March 15, 2010. The court ordered Brown to re-file his petition yet a third time on April 9, 2010, giving him until April 30, 2010 to do so. By letter filed on April 19, 2010, Brown sought another extension of time to re-file his petition on the appropriate forms. On April 26, 2010, noting that the

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<sup>1</sup> His third motion to proceed in forma pauperis was denied as moot on April 26, 2010 because Brown paid the requisite filing fee on April 19, 2010.

court would grant one final request, the court ordered Brown to re-file his petition on the required forms on or before June 1, 2010. In the April 26, 2010 Order, Brown was advised that if he failed to re-file his petition by June 1, 2010, it would be recommended to the district judge that his petition be dismissed.

To date, Brown has failed to re-file his petition on the required forms as required by Civil L.R. 9(a)(1). Accordingly, it will be recommended to the district judge that Brown's petition be dismissed without prejudice.

**NOW THEREFORE IT IS ORDERED** that this case be returned to the Clerk of Court for random reassignment to a district judge; and

**IT IS FURTHER RECOMMENDED** to the district judge that Brown's petition be **DISMISSED WITHOUT PREJUDICE**.

Dated at Milwaukee, Wisconsin this 30th day of June 2010.

**BY THE COURT:**

s/ William E. Callahan, Jr.  
WILLIAM E. CALLAHAN, JR.  
United States Magistrate Judge